

News from the FPPC

California Fair Political Practices Commission
428 J Street, Suite 620, Sacramento, CA 95814
www.fppc.ca.gov



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Contact: Jon Matthews, Whitney Barazoto, Mike Naple at (916) 322-7761

FPPC Agenda Includes New “Revolving Door” Restriction, “Soft” and “Hard” Money Accounts Under Proposition 34

The Fair Political Practices Commission on Thursday (December 14) will act on rules to clarify a new post-governmental employment restriction affecting many of California’s local officials. In addition, the commission will act on proposed regulations clarifying both the reporting of mixed federal and state campaign activity by political parties and the handling of “hard” and “soft” money accounts under Proposition 34 state candidate contribution limits. A number of enforcement cases, a proposed 2007 regulatory project calendar, and other items are also on the December agenda.

The commission’s regular monthly meeting begins at 9:45 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento.

A new post-governmental employment restriction, or “revolving door” provision, covering many local government positions took effect on July 1, 2006. Generally, the new law, Government Code section 87406.3, prohibits specified local officials from making certain types of appearances and communications before their former agency for one year after leaving that agency. The statute was passed by the Legislature as Senate Bill 8 (Soto) and signed into law by the Governor last year. Former state officials and employees were already subject to a similar law.

Specifically, the new local restriction applies to the following elected or appointed positions: local elected officials, chief administrative officers of counties, city managers, and general managers or chief administrators of special districts.

On Thursday, FPPC staff attorneys will ask the commission to adopt a proposed regulation to interpret and clarify the new local restriction. The proposed rule – drafted to closely mirror rules already applied to state officials – also defines various terms to help

local officials better understand their obligations under the new law. The commission previously discussed this project at its October meeting. (See agenda item #6.)

On Thursday, the commission also will act on regulations to clarify both the reporting of mixed federal and state campaign activity by political party committees and the handling of “hard” and “soft” money contributions under Proposition 34 state candidate contribution limits.

Disclosure rules governing the campaign activities of California political party committees are well established. But when the committees take actions regulated partly by state law and partly by federal campaign disclosure law, the interplay between federal and state requirements is not always clearly outlined in the respective laws. FPPC staff members are proposing a regulation (18530.3) to clarify and codify reporting rules for California political party committees when the committees engage in mixed state and federal campaign activities.

In the same agenda item, staff attorneys will propose another regulation (18534) to require campaign committees to maintain separate bank accounts in certain circumstances when a committee receives contributions to be used in campaigns for elective state offices, which are limited by Proposition 34, and also receives contributions for other purposes. This project was previously discussed at the commission’s September meeting. (See agenda item #8.)

The agenda and supporting memoranda and materials are posted on the FPPC’s website at www.fppc.ca.gov. Just click on “Agendas” on the left side of the home page and go to “Current Agenda.” The agenda is posted on the website 10 days before the meeting, and letters commenting on agenda items are also posted when received.

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